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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,433	03/24/2006	Martin Oberhomburg	2003P01019WOUS	1983

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EXAMINER	
PASCHALL, MARK H	

ART UNIT	PAPER NUMBER
3742	

NOTIFICATION DATE	DELIVERY MODE
04/30/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

NBN-IntelProp@bshg.com

Office Action Summary	Application No.	Applicant(s)	
	10/573,433	OBERHOMBURG, MARTIN	
	Examiner	Art Unit	
	Mark H. Paschall	3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 March 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *11-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *11-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 11,15,16 are rejected under 35 U.S.C. 102(e) as being anticipated by Sauter et al 6,967,314. Sauter et al teach a cooking device 4 having a display 60, a low power heating element and a high output heating element, see abstract, with a controller 58 which controls the heat output and the display, as claimed. Note that the display is construed to display a set of symbols, as broadly claimed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 11,15,16,21,23,25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sauter, as above, in view of either Barnes et al 6,255,630 or Ohouchi 4,650,970. Sauter as described above teaches the claimed subject matter. The patent to Barnes et al and Ohouchi have been applied for clearly evidencing that multiple displays with multiple operating modes in a cooking device can have differing symbols on the displays. Note that the claims are silent as to just what symbols are used. For instance a number 4 on a display is a different symbol from number 7 on the display. Power level is different from a degrees symbol. Barnes teaches in figure 2 multiple displays 100-125 for displaying power level, mode, temperature and other symbols. Ohouchi shows in figure 2 multiple displays, 12—bar-graph type display , 11- time or digit display. In view of these teachings it would have been obvious to modify the Sauter et al system with multiple symbol displays, as broadly claimed. With respect to new claims 21-25, Sauter et al in view of either Barnes et al or Ohouchi , the same rejection of claims 11,15 and 16 pertains to these claims since multiple displays with multiple operating modes in a cooking device can have differing symbols, is not novel,

since the claims are silent as to just what type of symbols are used. For instance numeric symbols are different from degrees symbols. .

Claims 12-14, 17-20,22,24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sauter et al 6,967,314 in view of Stockley 2005/0000958. Sauter et al teach the claimed cooking controller except for defining the display as a seven segment display. It is submitted that the artisan would have found it obvious to use a seven digit or any multi-digit display for the display, depending on the end use of the device and the type of display desired. In addition, the patent to Stockley is applied for clearly teaching that a seven segment display is conventional in a cooking device and effects an efficient display of cooking data and sensed parameters. See paragraph 0032 in Stockley which teaches a seven segment display to display the cooking progress. In view of this teaching it would have been obvious to modify the Sauter et al system to use a display having seven segments, since such display has been shown effective to display cooking information, as broadly defined. As per claim 3 use of numerical symbols is set forth in Sauter et al and if modified as set forth above it is inherent that

use of numerical display numerals is obvious for the artisan. Use of three transverse segments as per claim 14 is a routine matter of choice having no patentable bearing on the claimed device. As per claim 18 use of the controller to control a gas system is an obvious choice, the controller in Sauter et al as modified, capable of controlling wither a gas or electric heater.

Claims 12-14,17-2022,24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sauter et al in view of Barnes et al or Ohouchi as applied to claims 11,15,16 above, and further in view of Stockley 2005/0000958. Sauter as modified above, teaches the claimed subject matter except for showing the particular 7 digit display . Stockley teaches as defined above that such displays are conventional and efficient in displaying cooking information and in view of this teaching it would have been obvious to modify the Sauter et al system further to use this particular display schemes.

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Response to Arguments

Applicant's arguments filed 3-15-2010 have been fully considered but they are not persuasive. The independent claims have been amended to recite that the second set of symbols is of a type different from the first set of symbols. For the following reasons, Sauter et al as modified teach this broadly claimed display system for an oven. The claim are silent as to just what a different type of symbol is. It is submitted that time

display is a different type of symbolism than temperature display. In addition, the Barnes system teaches four displays, see column 3. The first display is time data, the second display is temperature data while third display 103 defines mode, such display merely lights that indicate the mode, and clearly this is a different symbol than the first and second displays, 100 and 102 respectively. A fourth display depicts lighted bars, 105, that display heating zones activated including the oven zones, broil and bake. A fifth display 113 can indicate letters such as "BAKE" in the display, clearly different from the numerical digits in the displays 100 and 102. Applicants remarks advance that the mode is clearly portrayed with the instant display, however, Barnes does indicate the mode also.

With respect to the Ohouchi patent, figure 2 clearly shows display 12 with bar graph indicator lights, versus the display 11 having numerical digits. These two types of symbols are separate and distinct and satisfy the claimed subject matter. It is submitted that one of ordinary skill in the art would find proper motivation in these two patent to modify the Sauter et al system to use different symbols in multiple displays, such as numerical digits, text digits, bar graph lights or mode lights, if desired, dependent on the whim of the operator. Note that in Barnes the displays are energized after an initial heating period, as per the dependent claims. Applicant's remarks on page 5 set forth that claim 14 defines transverse segments, not taught. However, the bar graph indicators are construed as transverse barring further definition of what transverse is. Note that it is not known just what a transverse segment is as per claim 14. As per claim 15, broil could be displayed followed by bake, i.e., high heat followed by lower heat. As

per claim 16 the first heating mode can be continuous, as set forth above. As per claim 19 if the second mode was less heat than the first mode, the gas supplied in the second mode would obviously be less than in the first mode. Use of flashing as per claim 20 is common to digital oven displays, most microwave ovens having a flashing feature upon ending of one mode, or indicating finish of cooking. for these reasons the claimed subject matter is obvious to one of ordinary skill in the art. Note the discussion of claims 21-25 in the above rejections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark H. Paschall whose telephone number is 571 272-4784. The examiner can normally be reached on 7am - 3pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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